

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition)	
for Modification or Termination)	
of Probation of:)	
)	
DOMINICK E. CALVO, M.D.)	No. L-36504
4646 Los Feliz Blvd., #211)	
Los Angeles, California 90027)	
)	
Petitioner.)	
)	

DECISION

This matter came on regularly for hearing before a Panel of District 13, Medical Quality Review Committee, Board of Medical Quality Assurance at Santa Ana, California on January 23, 1986, at the hour of 9:30 a.m. Frank Britt, Administrative Law Judge of the Office of Administrative Hearings presiding.

Panel members present were:

George H. Derry, M.D.
Lloyd Carnahan, M.D.
Pierre V. Haig, M.D.
Pauline Hairabedian
Richard L. Hopping, O.D.
Gloria Schaefer
Garo M. Tertzakian, M.D.

Margaret Ann Lafko, Deputy Attorney General, represented the Attorney General. The Petitioner appeared and was represented by Henry Lewin, Attorney at Law.

Oral and documentary evidence was received and the matter submitted. Thereafter the Panel considered the petition in executive session with the Administrative Law Judge present. The Panel now finds the following facts:

I

On October 23, 1969, Petitioner's certificate to practice as a physician and surgeon in the State of California was revoked. The basis for the revocation was for prescribing dangerous drugs without prior examination or medical indication and prescribing narcotics to and for persons not under his treatment for a pathology or condition other than narcotic addiction.

II

On April 30, 1971, Petitioner filed a petition for restoration of his revoked certificate. Effective 7-12-71, the Board of Medical Examiners (Board) reinstated Petitioner's certificate upon several terms and conditions of probation, including a requirement that he first take and successfully pass an oral examination and thereafter serve a 10 year probationary period.

III

In 1974, Petitioner, after failing to pass the required oral examination, petitioned the Board for termination of probation, or in lieu thereof, to eliminate the requirement that he take an oral examination. Effective October 25, 1974, the Board modified the examination requirement and permitted an alternative to the examination by allowing the Petitioner to participate in postgraduate training for at least one year and successfully pass part 2 and part 3 of the California State Medical Examination.

IV

In 1982, Petitioner passed an oral clinical examination and in September of that year he was permitted to return to the practice of medicine subject to certain terms and conditions of probation, including a prohibition against solo practice.

V

The Petitioner is a 56 year old man who graduated from Kirksville College of Osteopathy at Kirksville, Missouri, in 1959. After graduation he moved to California where he spent a year in internship at Doctors' Hospital, Los Angeles. From 1960 to 1969 the Petitioner maintained a general office practice in Los Angeles.

VI

Since the certificate was reinstated in September, 1982, Petitioner's medical practice has been limited to caring for the medical needs of elderly patients at his employer's convalescent and retirement homes in Glendale, California. Petitioner would like to practice his profession without the constraints of the probationary terms. If the probation is terminated or modified he would like the opportunity to develop a solo general office practice or to practice in a health maintenance organization. The Petitioner reports he has been told that most health maintenance organizations do not accept physicians who are on probationary status with the Board.

VII

It was not established by the evidence that the public interest would be served by terminating Petitioner's probation.

VIII

It would not be contrary to the public interest to permit Petitioner the opportunity to practice medicine without supervision and without Division approved employment or approved association with other licensed physicians and surgeons, provided he first take and successfully pass an oral clinical examination in the general practice of medicine.

* * * * *

Pursuant to the foregoing findings of fact, the Panel makes the following determination of issues:

I

Petitioner has failed to establish that probation should be terminated.

II

It would not be adverse to the public interest to modify Petitioner's probationary order and permit practice without supervision or Board approved employment and association if Petitioner first takes and successfully passes an oral clinical examination in the general practice of medicine.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. The petition for termination of probation filed by Dominick E. Calvo, M.D., is hereby denied.

2. The petition for modification of probation is granted, but such modification is limited to the deletion of the terms and conditions set forth in subparagraph (c) of paragraph I, of the probationary order of the Board, dated July 12, 1971; provided, however, that the Petitioner shall first take and successfully pass an oral clinical examination in the general practice of medicine to be administered by the Division or its designee. If Petitioner fails this examination, Petitioner must wait three months between reexaminations, except that after three failures Petitioner must wait one year to take each necessary reexamination thereafter. The Division shall pay the cost of the first examination and Petitioners shall pay the costs of any subsequent examinations.

3. The remaining terms and conditions of the probationary order of July 12, 1971, as modified by Order of October 25, 1974, shall remain in full force and effect.

This Decision shall become effective on the 7th
day of April, 1986.

It is so ordered this 6th day of March, 1986.

PANEL OF DISTRICT 13
MEDICAL QUALITY REVIEW COMMITTEE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

BY George H. Derry, M.D.
GEORGE H. DERRY, M.D.
ACTING CHAIRPERSON

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